

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I and further Species 6 (figure 13) in the reply filed on 12/04/2009 is acknowledged. The traversal is on the ground(s) that "Taylor et al. does not disclose or describe balloons having first and second portions having differential inflation characteristics. This includes both the description of the balloon itself and how the balloon is made. Accordingly, claims of Groups I-IV share a common or corresponding special technical feature and should not be subject to restriction". This is not found persuasive because the term "inflation characteristic" is broadly interpreted to mean that each of the balloons can be inflated and have the final state being different from the other. The two balloons being able to change and take the shape of the surrounding tissue allow the different characteristics of the balloons only after they have been inflated. Furthermore, according to page 14, line 31 and 32 of the Spec describes the balloon 90 can be used on its own in treatment of vascular bifurcations without a stent. As a result, the election of species 6 (Fig. 13) does not group all the claims back together since they still lack a special technical feature and therefore do not relate to a single general inventive concept

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

Art Unit: 3734

dependent form, or rewrite the claim(s) in independent form. It appears that claim 23 should depend from claim 22 rather than claim 29.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 11, 14, 16, 22-24, and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Myler (US 5632762).

Note in figures 1, 2, and 7 of Myler, a balloon (24) adapted for deployment at the vascular bifurcation (28,30) includes a first part (A) which has a first inflation characteristic and a second part (B,C) which has a second inflation characteristic that different from the first inflation characteristic, wherein both said first and second parts (A) (B,C) are adapted to be deployed in the first and second vessels (28,30); wherein the first and second parts (A) (B,C) considered having different degrees of compliance (disclosed throughout the Spec); and wherein the balloon (24) has a lumen therethrough to accommodate a guide wire and a inflation port (22) (col. 3, lines 49-58).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heuser (US 6364900) discloses a stent delivery system. Yadin (US 7344557) discloses a catheter balloon system.

Art Unit: 3734

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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